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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/739,990 12/18/00 CHANG

R 57165-5019

EXAMINER

QM02/0522

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ART UNIT

PAPER NUMBER

3742

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/739,990

Applicant(s)

CHANG ET AL.

Examiner

Quang Van

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 37-48 is/are pending in the application.
- 4a) Of the above claim(s) 46-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37-41 and 44 is/are rejected.
- 7) ☒ Claim(s) 42, 43 and 45 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Group I (claims 37-45) and Species B, via telephonic interview with Ms. Cathy Mojibi on May 17, 2001 is acknowledged.

### *Specification*

2. The abstract of the disclosure is objected to because the legal phraseology such as "means", recited at lines 3 and 6, often used in patent claims, should be avoided. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou (US 5,142,123), in view of 542,350 both cited by applicant. Chou discloses an electric heat sealer comprising a housing (1), a press bar (2) pivotally connected to said housing (1), a heating unit (6) mounted a heat insulate base (63), the heat insulate base (63) mounted in said housing (1), a source of current (10), and circuitry electrically connection said heating unit and said source of current. However, Chou does not

Art Unit: 3742

disclose a heating unit mounted in said press bar. 542,350 shows an electric heat sealer having a heating unit (7) mounted in said press bar (1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Chou a heating unit mounted in said press bar as taught by 542,350 in order to provide heat directly to the object from the top.

5. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chou (US 5,142,123), in view of 542,350 both cited by applicant as applied to claims 37-39 above and further in view of Hamilton (US 2,465,722). Chou and 542,350 disclose substantially all features of the claimed invention except a metal press plate between a base housing and the press bar. Hamilton shows a metal press plate (12) between a base housing and the press bar. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Chou and 542,350 a metal press plate between a base housing and the press bar as taught by Hamilton in order to keep said press bar in an open position.

6. Claims 41 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou (US 5,142,123), in view of 542,350 both cited by applicant as applied to claims 37-39 above and further in view of Patent 040,687 also cited by applicant. Chou and 542,350 disclose substantially all features of the claimed invention except said metal press plate activates a switch when said press bar is pressed downwardly. Patent 040,687 shows a metal press plate (14) activates a switch (15) when said press bar (20) is pressed downwardly. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Chou and 542,350 a metal

Art Unit: 3742

press plate activates a switch when said press bar is pressed downwardly as taught by Patent 040,687 in order turn on a heating mechanism.

7. Claims 42, 43 and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not show or suggest a switch is mounted in said housing and wherein a portion of said switch protrudes above said housing and engages said metal press plate as recited in claim 42 and said metal press plate is secured to said press bar as recited in claim 45.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cho (JP 2000118516) discloses an electric heating sealer.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang Van whose telephone number is 703-306-9162. The examiner can normally be reached on 8:30 to 7:00 T-F.

*QV*

QV

May 14, 2001

*T. Walberg*  
Teresa Walberg  
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